THE HON'BLE SRI JUSTICE K.C. BHANU

CRIMINAL REVISION CASE No.976 of 2005

ORDER:

1. This Criminal Revision Case is filed under Sections 397 and 401 Cr.P.C aggrieved by the judgment dated 15.02.2005 passed by the Assistant Sessions Judge, Jagtial, in S.C.No.562 of 2004.

2. The facts in brief, which are necessary for disposal of this criminal Revision Petition, may be stated as under:

On 29.05.2004 at about 3.00 p.m, while the petitioner herein was coming from Beedi Company at Cheppial Village, the accused-first respondent herein waylaid her and by keeping a knife on her neck, kidnapped her in his auto. The same was witnessed by Nomula Prabhakar Reddy and Utkuri Tulasamma. Based on the complaint lodged by the mother of the petitioner herein, the Sub Inspector of Police, Kodimial Police Station registered a case in Crime No.28 of 2004 for the offence punishable under Section 366 I.P.C. After completion of investigation, the Sub Inspector of Police laid charge sheet.

3. The learned Sessions Judge framed a charge under Section 366 I.P.C against the accused, read over and explained to him in Telugu, for which he pleaded not guilty and claimed to be tried.

4. To substantiate its case, the prosecution examined P.Ws.1 to 6 and got marked Exs.P.1 to P.4. On behalf of the accused, none were examined, except marking Exs.D.1 and D.2.

5. The Court below after considering the entire material available on record, held that the petitioner herein herself left the house along with the accused and while she was proceeding towards Karimnagar in the auto of the accused, the police apprehended her and thereby she changed her version, and accordingly found the accused not guilty

of the offence under Section 366 I.P.C and acquitted him. Hence, this Criminal Revision Case.

6. Now the point for determination is whether the findings of the trial Court are legal, proper and correct?

7. Learned counsel for the petitioner stated that the evidence of P.W.3 (petitioner herein) is clear that she was kidnapped by the accused and therefore, he prays to set aside the impugned judgment.

8. For the offence under Section 366 I.P.C, it must be shown that woman or girl in question was either by force compelled or by deceitful means induced to leave the house of guardian or the person who had the care of her. Where the woman however goes willingly and voluntarily with the accused and not as a result of force or deceit, there is no offence under this Section.

9. In the instant case, the accused is none other than the son of the maternal aunt of P.W.3- the victim in this case. In the cross examination, P.W.3 herself admitted that she left the house along with the accused and while she was proceeding towards Karimnagar in the auto of the accused, the police have apprehended her and thereby she changed her version. Further, the evidence of P.Ws.1 and 2 did not prove the charge levelled against the accused. P.Ws.4 and 5, who were shown as eyewitnesses to the alleged kidnap, were declared hostile. There is absolutely no evidence adduced by prosecution to show that the accused kidnapped or abducted P.W.3 with intent that she may be compelled or knowing it to be likely that she will be compelled to marry any person against her will or in order that she may be forced or seduced to illicit intercourse or knowing it to be likely that she will be forced or seduced to illicit intercourse. Hence, the trial Court rightly acquitted the accused and the order under challenge needs no interference of this Court.

10. The Criminal Revision Case is accordingly dismissed.

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K.C.BHANU,J

Dated: 03.02.2012

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